

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 09/28/2007 is entered and acknowledged by the Examiner. Claims 1-8 are currently pending in the instant application.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Derek Mason on 12/12/2007.

2.1 The application has been amended as follows: On page 8, line 32, of specification after the word "quenching" please insert --air; 6 = concentrically arrange pipe structure.—

2.2. Between page 2 line 35 and page 3 line 1 of the specification, please insert the following:

-- Brief Description of the Drawings

Figures 1a-c. Show typical forms of ellipsoidal, linear and branched aggregates of the zinc oxide powder according to the invention.

Figure 2. Shows a TEM image of the powder according to the invention.

Figures 3a-c. Show a linear, branched, ellipsoidal and circular aggregate, respectively, of the powder.

Figure 4. Shows the sequence of the process according to the invention in diagrammatic form.

Figure 5. Shows the apparatus for carrying out this process in diagrammatic form.--

***Withdrawn Rejection***

3. The rejection of claims 1 and 4 under nonstatutory obviousness-type double patenting over claims 1, 5, 6, and 10 of copending Application No. 11/039,871 is withdrawn in accordance with procedures set forth in the MEPE at MEPE 800 (I)(B)(I) which states that if provisional obviousness type double patenting is the only remaining rejection in an application, the provisional rejection should be withdrawn in the earlier filed application (which would be the instant case) and that application allowed to proceed to allowance, while making an obviousness type double patenting rejection in the other application, if such a rejection is appropriate. The rejection of claim 8 under 35 U.S.C 112, second paragraph, is withdrawn in light of Applicant's amendment. The rejection of claims 1-8 under 35 U.S.C 103(a) over the prior art of record is withdrawn in light of Applicant's argument.

***Statement of Reasons for Allowance***

4. Claims 1-8 are allowed over the prior art of record.
5. The following is an examiner's statement of reasons for allowance: The best prior art of record generally teaches a method for preparing zinc oxide powder. However, the reference alone or in combination failed to teach a method for preparing zinc oxide powder having aggregates of different morphologies and each form of aggregate is produced within a specific range. Therefore, claims 1-8 are allowed over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHANH T. NGUYEN whose telephone number is (571)272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Kopec/  
Primary Examiner, Art Unit 1796

KTN  
02/28/2008